

NOV 23 2009

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**FILED**

MARVIN OVERBY, ET. AL.

Plaintiffs,

vs.

TYCO INTERNATIONAL LTD., ET. AL.

Defendants.

Case No. 02-CV-1357-B

This Document Relates To:  
ERISA Actions**ORDER ON PLAINTIFFS' MOTION FOR  
AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF  
EXPENSES AND CASE CONTRIBUTION AWARDS**

Plaintiffs having moved the Court pursuant to Fed. R. Civ. P. 23(e) and (h) for an award of attorneys' fees, reimbursement of expenses, and case contribution awards, and the Court having considered the Motion, the supporting papers, opposing papers, class member objections, if any, and the entire record herein,

It is hereby ORDERED that:

1. *Co-Lead Counsel* are awarded attorneys' fees in the amount of 30% of the \$70,525,000 million Settlement Fund established in this case. The attorneys' fees and expenses awarded in this paragraph shall be allocated by *Co-Lead Counsel* among Plaintiffs' Counsel in a fashion which, in the opinion of *Co-Lead Counsel*, fairly compensates counsel for their respective contributions to the prosecution and/or settlement of the Action, and;
2. *Co-Lead Counsel* are awarded the sum of \$1,982,873.88 as reimbursement of their expenses expended to date and reasonably anticipated to be appropriately

and necessarily incurred hereafter, which Co-Lead Counsel shall distribute among Plaintiffs' Counsel at the discretion of Co-Lead Counsel;

3. Class Representatives Edmund Dunne, Kay Jepson, John Gordon, Gary Johnson, Peter Poffenberger, and Karen Wade, and Named Plaintiff Marvin Overby, are each awarded the sum of \$15,000 as a case compensation award, with all of the awards made herein to be paid from the Settlement Fund pursuant to the Class Action Settlement Agreement and this Order.

SO ORDERED this 23<sup>rd</sup> day of March, 2009.

A handwritten signature in black ink, appearing to read 'Paul J. Barbadoro', is written over a horizontal dashed line.

Hon. PAUL J. BARBADORO  
United States District Judge